



ABRAHAM LINCOLN

Interprets the Constitution



The CONSTITUTION of the UNITED STATES

We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America



*"It is in the Constitution,
and I do not for that
cause, or any other cause,
propose to destroy, or
alter, or disregard the
Constitution. I stand to
it, fairly, fully and
firmly."* *A. Lincoln.*

Peoria, Illinois, October 16, 1854

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ABRAHAM LINCOLN INTERPRETS THE CONSTITUTION

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THE ORIGINAL IDEA

“AWAY back in my childhood, the earliest days of my being able to read, I got hold of a small book, such a one as few of the younger members have ever seen—Weems’ ‘Life of Washington.’ I remember all the accounts there given of the battlefields and struggles for the liberties of the country; and you all know, for you have all been boys, how these early impressions last longer than any others. I recollect thinking then, boy even though I was, that there must have been something more than common that these men struggled for. I am exceedingly anxious that that thing—that something even more than national independence; that something that held out a great promise to all the people of the world for all time to come—I am exceedingly anxious that this Union, the Constitution, and the liberties of the people shall be perpetuated in accordance with the original idea for which that struggle was made, and I shall be most happy indeed if I shall be a humble instrument in the hands of the Almighty, and of this, his almost chosen people, for perpetuating the object of that great struggle.”

Address to the Senate of New Jersey, February 21, 1861

FRAMING THE CONSTITUTION

“WHAT is the frame of government under which we live? The answer must be, ‘The Constitution of the United States.’ That Constitution consists of the original, framed in 1787, and under which the present government first went into operation, and twelve subsequently framed amendments, the first ten of which were framed in 1789. Who were our fathers that framed the Constitution? I suppose the ‘thirty-nine’ who signed the original instrument may be fairly called our fathers who framed that part of the present government. It is almost exactly true to say they framed it, and it is altogether true to say they fairly represented the opinion and sentiment of the whole nation at that time . . . the present frame of ‘the government under which we live’ consists of that original, and twelve amendatory articles framed and adopted since . . . It is surely safe to assume that the thirty-nine framers of the original Constitution, and the seventy-six members of the Congress which framed the amendments thereto, taken together, do certainly include those who may be fairly called ‘our fathers who framed the government under which we live.’ . . . I do not mean to say we are bound to follow implicitly in whatever our fathers did. To do so would be to discard all the lights of current experience—to reject all progress, all improvement. What I do say is that if we would supplant the opinions and policy of our fathers in any case, we should do so upon evidence so conclusive, and argument so clear, that even their great authority, fairly considered and weighed, cannot stand.”

Address at Cooper Institute, New York, February 27, 1860

NEW HANDS HAVE NEVER TOUCHED IT

“I WISH now to submit a few remarks on the general proposition of amending the Constitution. As a general rule, I think we would much better let it alone. No slight occasion

should tempt us to touch it. Better not take the first step, which may lead to a habit of altering it. Better, rather, habituate ourselves to think of it as unalterable. It can scarcely be made better than it is. New provisions would introduce new difficulties, and thus create and increase appetite for further change. No, sir; let it stand as it is. New hands have never touched it. The men who made it have done their work, and have passed away. Who shall improve on what they did?"

Speech in the United States House of Representatives, June 20, 1848

CLEARING THE OATH

"I WILL ask you, my friends, if you were elected members of the legislature, what would be the first thing you would have to do before entering upon your duties? Swear to support the Constitution of the United States . . . What do you understand by supporting the Constitution of a State, or of the United States? Is it not to give such constitutional helps to the rights established by that Constitution as may be practically needed? Can you, if you swear to support the Constitution, and believe that the Constitution establishes a right, clear your oath, without giving it support? Do you support the Constitution if, knowing or believing there is a right established under it which needs specific legislation, you withhold that legislation? Do you not violate and disregard your oath? I can conceive of nothing plainer in the world. There can be nothing in the words 'support the Constitution,' if you may run counter to it by refusing support to any right established under the Constitution . . . Is not Congress itself bound to give legislative support to any right that is established in the United States Constitution? A member of Congress swears to support the Constitution of the United States, and if he sees a right established by that Constitution which needs specific legislative protection, can he clear his oath without giving that protection?"

From Lincoln's Reply to Douglas, Jonesboro Debate, September 15, 1858

“IN COMPLIANCE with a custom as old as the government itself, I appear before you to address you briefly, and to take in your presence the oath prescribed by the Constitution of the United States to be taken by the President ‘before he enters on the execution of his office’.

“I take the official oath to-day with no mental reservations, and with no purpose to construe the Constitution or laws by any hypercritical rules. And while I do not choose now to specify particular acts of Congress as proper to be enforced, I do suggest that it will be much safer for all, both in official and private stations, to conform to and abide by all those acts which stand unrepealed, than to violate any of them, trusting to find impunity in having them held to be unconstitutional.

“I hold that, in contemplation of universal law and of the Constitution, the Union of these States is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper ever had a provision in its organic law for its own termination. Continue to execute all the express provisions of our National Constitution, and the Union will endure forever—it being impossible to destroy it except by some action not provided for in the instrument itself.

“I therefore consider that, in view of the Constitution and the laws, the Union is unbroken; and to the extent of my ability I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all the States. Doing this I deem to be only a simple duty on my part; and I shall perform it so far as practicable, unless my rightful masters, the American people, shall withhold the requisite means, or in some authoritative manner direct the contrary. I trust this will not be regarded as a

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menace, but only as the declared purpose of the Union that it will constitutionally defend itself and maintain itself.

“All profess to be content in the Union if all constitutional rights can be maintained. Is it true, then, that any right, plainly written in the Constitution, has been denied? I think not. Happily the human mind is so constituted that no party can reach to the audacity of doing this. Think, if you can, of a single instance in which a plainly written provision of the Constitution has ever been denied. If by the mere force of numbers a majority should deprive a minority of any clearly written constitutional right, it might, in a moral point of view, justify revolution—certainly would if such a right were a vital one. But such is not our case. All the vital rights of minorities and of individuals are so plainly assured to them by affirmations and negations, guarantees and prohibitions, in the Constitution, that controversies never arise concerning them.

“By the frame of the government under which we live, this same people have wisely given their public servants but little power for mischief; and have, with equal wisdom, provided for the return of that little to their own hands at very short intervals. While the people retain their virtue and vigilance, no administration, by any extreme of wickedness or folly, can very seriously injure the government in the short space of four years.

“In your hands, my dissatisfied fellow-countrymen, and not in mine, is the momentous issue of civil war. The government will not assail you. You can have no conflict without being yourselves the aggressors. You have no oath registered in heaven to destroy the government, while I shall have the most solemn one to ‘preserve, protect, and defend it.’”

POWER THAT BREAKS THE OATH

"IT WAS in the oath I took that I would, to the best of my ability, preserve, protect, and defend the Constitution of the United States. I could not take the office without taking the oath. Nor was it my view that I might take an oath to get power, and break the oath in using the power. I understood, too, that in ordinary civil administration this oath even forbade me to practically indulge my primary abstract judgment on the moral question of slavery. I had publicly declared this many times, and in many ways. And I aver that, to this day, I have done no official act in mere deference to my abstract judgment and feeling on slavery. I did understand, however, that my oath to preserve the Constitution to the best of my ability imposed upon me the duty of preserving, by every indispensable means, that government—that nation, of which that Constitution was the organic law. Was it possible to lose the nation and yet preserve the Constitution? By general law, life and limb must be protected, yet often a limb must be amputated to save a life; but a life is never wisely given to save a limb. I felt that measures otherwise unconstitutional might become lawful by becoming indispensable to the preservation of the Constitution through the preservation of the nation. Right or wrong, I assumed this ground, and now avow it. I could not feel that, to the best of my ability, I had even tried to preserve the Constitution, if, to save slavery or any minor matter, I should permit the wreck of government, country, and Constitution all together."

Letter to O. G. Hedges, April 4, 1864

WHERE KINGS HAVE STOOD

“YOUR letter of the 29th January was received last night. Being exclusively a constitutional argument, I wish to submit some reflections upon it in the same spirit of kindness that I know actuates you. Let me first state what I understand to be your position. It is that if it shall become necessary to repel invasion, the President may, without violation of the Constitution, cross the line and invade the territory of another country, and that whether such necessity exists in any given case the President is the sole judge.

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“Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such purpose, and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after having given him so much as you propose. If to-day he should choose to say he thinks it necessary to invade Canada to prevent the British from invading us, how could you stop him? You may say to him, ‘I see no probability of the British invading us’; but he will say to you, ‘Be silent; I see it, if you don’t.’

“The provisions of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood.”

Letter to William Herndon, February 15, 1848

GOOD MEDICINE

“IF I BE wrong on this question of constitutional power, my error lies in believing that certain proceedings are constitutional when, in cases of rebellion or invasion, the public safety requires them, which would not be constitutional when, in absence of rebellion or invasion, the public safety does not require them: in other words, that the Constitution is not in its application in all respects the same in cases of rebellion or invasion involving the public safety, as it is in times of profound peace and public security. The Constitution itself makes the distinction, and I can no more be persuaded that the government can constitutionally take no strong measures in time of rebellion, because it can be shown that the same could not be lawfully taken in time of peace, than I can be persuaded that a particular drug is not good medicine for a sick man because it can be shown to not be good food for a well one.”

Letter to Erastus Corning and Others, June 12, 1863

ABSOLUTISM

“KNOWING your great anxiety that the Emancipation Proclamation shall now be applied to certain parts of Virginia and Louisiana which were exempted from it last January, I state briefly what appear to me to be difficulties in the way of such a step. The original proclamation has no constitutional or legal justification, except as a military measure. The exemptions were made because the military necessity did not apply to the exempted localities. Nor does that necessity apply to them now any more than it did then. If I take the step, must I not do so without the argument of military necessity, and so without any argument except the one that I think the measure politically expedient and morally right? Would I not thus give up all footing upon the Constitution or law? Would I not thus be in the boundless field of absolutism?”

Letter to Hon. Salmon P. Chase, September 2, 1863

CONSTITUTION BRIEFS

Continue to execute all the express provisions of our national Constitution and the Union will endure forever.—*First Inaugural, March 4, 1861.*

Think, if you can, of a single instance in which a plainly written provision of the Constitution has ever been denied.—*First Inaugural, March 4, 1861.*

We are determined to give you, as far as lies in our hands, all your rights under the Constitution, not grudgingly, but fully and fairly.—*Washington, Feb. 28, 1861.*

One duty paramount to all others was before me, namely, to maintain and preserve at once the Constitution and the integrity of the Federal Republic.—*Letter to workingmen of Manchester, Eng., Jan. 19, 1863.*

I freely acknowledge myself the servant of the people, according to the bond of service—the United States Constitution—and that as such I am responsible to them.—*Letter to Conklin, Aug. 26, 1863.*

The Constitution itself is not altogether such as anyone of its framers would have preferred. It was the joint work of all and certainly the better that it was so.—*Writing—Aug. 15, 1863.*

No one who has sworn to support the Constitution can conscientiously vote for what he understands to be an unconstitutional measure, however expedient he may think it.—*Cooper Institute Address, Feb. 27, 1860.*

If by the mere force of numbers a majority should deprive a minority of any clearly written constitutional rights, it might in a moral point of view, justify revolution. —*First Inaugural, March 4, 1861.*

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